

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD) ANTITRUST LITIGATION) (MDL No. 2406))	Master File No. 2:13-CV-20000-RDP This document relates to all cases.
--	---

ORDER APPOINTING THE BLUES' COUNCIL OF TWELVE

One of the many challenges in presiding over multidistrict litigation is the appointment of leadership counsel. In most MDLs, it is necessary to establish a leadership structure for the plaintiffs, which serves to ensure the effective management of the litigation, including but not limited to coordinating discovery, motion practice, settlement strategy, and other pretrial work. To be sure, in this litigation, the court has appointed leadership for both plaintiffs' tracks.

It is less common for a transferee court to discern the need to appoint leadership counsel for defendants in an MDL. And, while it is more rare to do so, in this litigation, we have reached that point. Since the inception of this litigation, the court has repeatedly requested that the Defendants organize themselves in a manner that allows the court to interact with the Defendants in a more manageable, representative manner. The Defendants have been reluctant to scale down their ranks to operate in the streamlined manner envisioned by the court. Therefore, the court undertakes that task itself, with input from all parties.

The court hereby **APPOINTS** the following twelve¹ attorneys to the Blues' Council of Twelve:


¹ The court trusts the advice and counsel of Judge Eldon Fallon of the Eastern District of Louisiana who has observed that twelve is a sensible number given that there were twelve apostles and twelve Tribes of Israel.

1. Carl Burkhalter
2. Evan Chesler
3. Karin DeMasi
4. Desmond Hogan
5. Mark Hogewood
6. Craig Hoover
7. John M. Johnson
8. Daniel Laytin
9. Kathleen Sooy
10. Kimberly West
11. Helen Witt
12. David Zott

The Council **SHALL** promptly confer and, within twenty-one (21) days, provide the court *in camera* a report recommending how they propose to organize themselves and effectively lead in the defense of the claims asserted in this MDL. In undertaking this task, the court recommends that the Council consult the court's Order (Doc. # 61) and the Special Master's Report (Doc. # 62) regarding appointing Plaintiffs' leadership structure.

The court reserves the power to change the composition of the Council in its sole discretion.

DONE and **ORDERED** this January 17, 2019.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE